

REMARKS

This Preliminary Amendment is submitted in connection with a Request for Continued Examination filed concurrently herewith. Furthermore, this amendment is a full and timely response to the final Office Action dated April 7, 2005 (Paper No./Mail Date 20050325), the period of response being extended through a Request for Three-Month Extension of Time also file concurrently herewith. By this amendment, claim 1 has been amended.

Claim 1 has been amended to recite camera support means for rotating the electronic camera in a plane perpendicular to and in a plane that vertically extends from the display of the electronic apparatus; that said photographing detecting means is adjacent to the electronic support means located on a first end of the electronic camera; that the photographing direction detecting means outputs the direction detection signal only when the photographing direction is rotated on the camera support means in a range of θb ; and that θb is a range from 30° on a front side of the electronic apparatus to 105° on a rear side of the electronic apparatus. Support for the changes to claim 1 can be found variously throughout the specification, for example, at paragraphs [0022], [0023], and [0054] of corresponding U.S. Patent Application Publication No. 2002-0021901. No new matter has been added.

Claims 1-13 are pending where claim 1 is independent.

Rejections Under 35 U.S.C. §103

Claims 1-3, 5-10, and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over *McNelley et al.*, U.S. Patent No. 5,550,754 in view of *Takahashi et al.*, U.S. Patent No. 5,621,462 and *Fullam*, U.S. Patent No. 5,764,291. Applicant respectfully traverses this rejection.

Claim 1 recites a device for controlling an exposure of an electronic camera, said camera being mounted on an electronic apparatus having a display and the camera being capable of setting a photographing direction to at least a forward or a rearward direction of the electronic camera, said device comprising exposure detecting means for generating exposure detection information indicative of the average magnitude of said video signals of a photographed image based on video signals generated by the electronic camera; exposure adjusting means for adjusting the exposure of the electronic camera based on said exposure detection information generated by said exposure detecting means; camera support means for rotating the electronic camera in a plane perpendicular to and in a plane that vertically extends from the display of the electronic apparatus; photographing direction detecting means for outputting a corresponding

direction detection signal when the photographing direction of the electronic camera is set to the rearward direction, wherein the exposure detecting means logically divides one photographed image according to first and second patterns, and in the division by said first pattern, divides said photographed image into an upper area and a lower area to generate first exposure detection information relatively strongly reflecting the magnitude of said video signal corresponding to said lower area; and in the division by said second pattern, divides the photographed image into a central area and a peripheral area to generate second exposure detection information relatively strongly reflecting the magnitude of the video signal corresponding to said central area, wherein the camera support means are located on a first end and a second end of the electronic camera, wherein said photographing detecting means is adjacent to the electronic support means located on a first end of the electronic camera, wherein said exposure adjusting means adjusts the exposure of the electronic camera on the basis of said first exposure detection information when said photographing direction detecting means outputs said direction detection signal, wherein the exposure adjusting means adjusts the exposure of the electronic camera on the basis of said second exposure detection information when the photographing direction detecting means does not output a direction detection signal, wherein the photographing direction detecting means outputs the direction detection signal only when the photographing direction is rotated on the camera support means in a range of θ_b , and wherein θ_b is a range from 30° on a front side of the electronic apparatus to 105° on a rear side of the electronic apparatus.

In summary, outputting a corresponding direction detection signal is determined by the angle θ of the image pickup unit with respect to the display and not a rearward direction of the electronic camera. As a result, the direction detection is realized in a simple construction, which requires that the image pickup unit is rotatably attached to the display unit.

McNelley discloses a technique in which the photographer may photograph himself by directing the camera head toward his person, and in addition photograph an object or scenery by directing the camera head in the direction of the object or scenery. *McNelley*, however, is silent about performing an exposure control based on the direction of the camera head. The Office Action acknowledges that *McNelley* fails to disclose, teach, or suggest at least controlling an exposure of the electronic camera. Namely, *McNelley* fails to disclose, teach, or suggest at least when said photographing direction detecting means outputs said direction detection signal, said exposure adjusting means adjusts the exposure of the electronic camera based on said first exposure detection information, and when the photographing direction detecting means does not

output a direction detection signal, the exposure adjusting means adjusts the exposure of the electronic camera based on said second exposure detection information. The Office Action alleges that *Takashi* remedies this deficiency. Applicant respectfully submits, however, that in addition to the above-noted element, *McNelley* also fails to disclose, teach, or suggest at least that the photographing direction detecting means outputs the direction detection signal only when the photographing direction is rotated on the camera support means in a range of θb , and that θb is a range from 30° on a front side of the electronic apparatus to 105° on a rear side of the electronic apparatus.

Takashi discloses an image pickup device that processes a captured image by dividing the image into a plurality of areas. The device then determines the average value of a designated area of the image signal. Based upon the value the designated area exposure control is performed on that portion of the image signal. In this control process, the device estimates the luminance distribution in the image frame based on the illumination in the representative scene, sets the light metering area such that a large automatic exposure calculating coefficient is assigned to an area that provides effective information for the determination of the exposure.

Takahashi, however, fails to disclose, teach, or suggest at least that the photographing direction detecting means outputs the direction detection signal only when the photographing direction is rotated on the camera support means in a range of θb , and that θb is a range from 30° on a front side of the electronic apparatus to 105° on a rear side of the electronic apparatus. In contrast, *Takahashi* is merely directed to effective exposure control and does not disclose, teach, or suggest a structure that would realize the claimed results.

Fullam discloses a camera having an orientation sensor that outputs a left orientation or right orientation signal to indicate the orientation of the camera when an image is captured. *Fullam* further discloses that the left and right orientation signals have zero volts or a binary zero value when the camera is rotated a specified angles.

Fullam, however, fails to disclose, teach, or suggest that $(\alpha + 3\theta)$ degrees is in a range of the photographing direction detecting means outputs the direction detection signal only when the photographing direction is rotated on the camera support means in a range of θb , and that wherein θb is a range from 30° on a front side of the electronic apparatus to 105° on a rear side of the electronic apparatus. At best, *Fullam* discloses that the output of the left and right orientation signal is based on the rotation direction of the camera, and not the angle of the camera with respect to the display or electronic device.

In summary, the combination of *McNelley* and *Takahashi* discloses an image pickup device that is capable of capturing an image of an object located in front of or behind the screen. Exposure control is performed automatically on this image by dividing the image into a plurality of areas, estimating the luminance distribution in the image based on an average value determined in a designated area, and adjusting the luminance value based on the estimation. *Fullam* discloses that left and right orientation signals are not output when the camera is rotated a specified angles.

However, *McNelley*, *Takahashi*, and *Fullam* either singly or combined fail to disclose, teach, or suggest at least that the photographing direction detecting means outputs the direction detection signal only when the photographing direction is rotated on the camera support means in a range of θb , and that θb is a range from 30° on a front side of the electronic apparatus to 105° on a rear side of the electronic apparatus. Accordingly, Applicant respectfully submits that a *prima facie* case for obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness “cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination.” *ACS Hosp. Sys. V. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). For at least the foregoing reasons, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. §103 be withdrawn and this claim be allowed.

Claims 2, 3, 5-10, and 12 depend from claim 1. By virtue of this dependency, Applicant submits that claims 2, 3, 5-10, and 12 are allowable for at least the same reasons given above with respect to claim 1. In addition, Applicant submits that claims 2, 3, 5-10, and 12 are further distinguished over *McNelley*, *Takahashi*, and *Fullam* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 2, 3, 5-10, and 12 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 11 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over *McNelley*, *Takahashi*, and *Fullam* and further in view of *Ma*, U.S. Patent No. 5,880,783. Applicant respectfully traverses this rejection.

Claims 11 and 13 depend from claim 1. By virtue of this dependency, Applicant submits that claims 11 and 13 are allowable for at least the same reasons given above with respect to claim 1. In addition, Applicant submits that claims 11 and 13 are further distinguished over *McNelley*, *Takahashi*, *Fullam*, and *Ma* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 11 and 13 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 2 and 4 were rejected under 35 U.S.C. §103(a) as unpatentable over *McNelley*, *Takahashi*, and *Fullam* and further in view of *Yoshimura et al.*, U.S. Patent No. 5,667,733. Applicant respectfully traverses this rejection.

Claims 2 and 4 depend from claim 1. By virtue of this dependency, Applicant submits that claims 2 and 4 are allowable for at least the same reasons given above with respect to claim 1. In addition, Applicant submits that claims 2 and 4 are further distinguished over *McNelley*, *Takahashi*, *Fullam*, and *Yoshimura* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 2 and 4 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

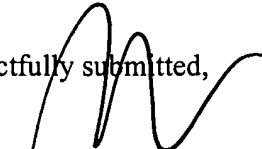
Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-13 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2147 from which the undersigned is authorized to draw.

Dated: October 7, 2005

Respectfully submitted,

By 
Ronald P. Kananen
Registration No.: 24,104
Shawn B. Cage
Registration No.: 51,522
Attorneys for Applicant

RADER, FISHMAN & GRAUER, PLLC
Lion Building
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751
Customer No. 23353